

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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June 6, 2023

By ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York

MEMO ENDORSED

Re: *United States v. Richard Stuart*, 23 Cr. 137 (KPF)

Dear Judge Failla:

I write to respectfully request a 60-day adjournment of the June 15, 2023 conference in this matter, which is scheduled to be held by video, as Mr. Stuart resides in California. The Government consents. I make this adjournment request, my first, because I require additional time to review discovery with Mr. Stuart, including reports from two cell phones seized at the time of Mr. Stuart's arrest that will be produced to us shortly. Those two reports are voluminous, collectively comprising approximately one terabyte of data.¹

Should the Court grant an adjournment, Mr. Stuart and I consent to an exclusion of Speedy Trial Act time until the adjourn date. I have reviewed the relevant Speedy Trial Act provisions with Mr. Stuart, and I will submit to the Court a proposed order.

¹ The brief delay in production of these reports is due to my error in inadvertently failing to provide the Government with an appropriately sized drive until recently.

Hon. Katherine Polk Failla
United States District Judge

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Thank you for your attention to this request.

Respectfully submitted,

/s/ _____
Jonathan Marvinny
Assistant Federal Defender
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cc: Andrew Jones, Esq.

Application GRANTED. The status conference currently scheduled for June 15, 2023, is hereby ADJOURNED to August 17, 2023, at 12:00 p.m. It is further ORDERED that time is excluded under the Speedy Trial Act between June 15, 2023, and August 17, 2023. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the Defendant in a speedy trial because it will permit defense counsel to continue to review discovery with Mr. Stuart.

The Clerk of Court is directed to terminate the pending motion at docket number 25.

Dated: June 6, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE